

5397. Adulteration and misbranding of vinegar. U. S. * * * v. 183 Barrels * * * of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7928. I. S. Nos. 11631-m, 11632-m, 11633-m, 11634-m, 11635-m, 11636-m. S. Nos. C-607, C-608.)

On December 20, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 183 barrels of vinegar, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on November 6, 1916, October 18, 1916, October 12, 1916, November 17, 1916 (2 shipments), and October 13, 1916, by the Benton Fruit Products Co., Benton Harbor, Mich., and transported from the State of Michigan into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Benton Fruit Products Co., Benton Harbor, Mich. Reduced to 4 per cent" (or "4½ per cent" or "5 per cent") "acetic strength. Fermented Cider Vinegar E" (or "A" or "G" or "B" or "D").

Adulteration of the article was alleged in the libel for the reason that distilled vinegar or dilute acetic acid, boiled cider, and sodium carbonate had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for said article.

Misbranding was alleged in substance for the reason that the statement appearing on the barrels, to wit, "* * * Reduced to 4 per cent" (or "4½ per cent" or "5 per cent") "acetic strength. Fermented Cider Vinegar * * *" was false and misleading in that it represented that the article consisted of pure fermented cider vinegar, whereas, in truth and in fact, distilled vinegar or dilute acetic acid, boiled cider, and sodium carbonate had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength; and for the further reason that said statement deceived and misled the purchaser into the belief that the article was a pure fermented cider vinegar, whereas, in truth and in fact, it was an imitation of, and was offered for sale under the distinctive name of another article, to wit, pure fermented cider vinegar.

On January 10, 1917, G. B. Gehlert, doing business as the Benton Fruit Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the article should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the article should be relabeled as imitation cider vinegar.

CARL VROOMAN, *Acting Secretary of Agriculture.*